

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF PENNSYLVANIA**

CHARLIE CASTILLO,	:	
Plaintiff,	:	
	:	
v.	:	No. 19-cv-4002
	:	
OFFICER BRYAN GUZLEY, <i>et al.</i>,	:	
Defendants.	:	

ORDER

AND NOW, this 28th day of May, 2020, upon consideration of Plaintiff Charlie Castillo's Second Amended Complaint (ECF No. 24), it is **ORDERED** that:

1. The Second Amended Complaint is **DEEMED** filed.
2. For the reasons stated in the Court's Opinion, the following claims in Castillo's Second Amended Complaint are **DISMISSED WITH PREJUDICE** for failure to state a claim pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii): (a) all claims against Marisa R. Lopez-Rodriguez and the John Doe Defendant; (b) the claims against Officers Guzley and Shade in their official capacities; (c) the false arrest and false imprisonment claims against Officers Guzley and Shade; and (d) the claims against Officers Guzley and Shade based on the confiscation of Castillo's property.
3. The Clerk of Court shall **TERMINATE** Defendants Marisa R. Lopez-Rodriguez and Attending John Doe.
4. Castillo's Second Amended Complaint shall **PROCEED** with respect to the following claims against Officer Bryan Guzley and Officer Shade in their individual capacities:
(a) Castillo's Fourth Amendment claim related to the Officers' warrantless entry into Castillo's

apartment; (b) his Fourth Amendment claims for excessive force during the course of his arrest; and (c) his Fourth Amendment claim related to the blood draw ordered by the Officers.

5. The Clerk of Court shall issue summonses for Officers Guzley and Shade. Service of the summonses and the Second Amended Complaint, along with a copy of this Order and its accompanying Memorandum, shall be made upon Defendants Officers Guzley and Shade by the U.S. Marshals Service. Castillo will be required to complete USM-285 forms so that the Marshals can serve the Defendants. Failure to complete those forms may result in dismissal of this case.

6. All original pleadings and other papers submitted for consideration to the Court in this case are to be filed with the Clerk of Court. Copies of papers filed in this Court are to be served upon counsel for all other parties (or directly on any party acting *pro se*). Service may be made by mail. Proof that service has been made is provided by a certificate of service. The certificate of service should be filed in the case along with the original papers and should show the day and manner of service. An example of a certificate of service by mail follows:

“I, (name), do hereby certify that a true and correct copy of the foregoing (name of pleading or other paper) has been served upon (name(s) of person(s) served) by placing the same in the U.S. mail, properly addressed, this (day) of (month), (year).

(Signature)”

7. Any request for court action shall be set forth in a motion, properly filed and served. The parties shall file all motions, including proof of service upon opposing parties, with the Clerk of Court. The Federal Rules of Civil Procedure and Local Rules are to be followed. Castillo is specifically directed to comply with Local Civil Rule 7.1 and serve and file a proper response to all motions within fourteen (14) days. Failure to do so may result in dismissal.

8. Castillo is specifically directed to comply with Local Rule 26.1(f) which provides that “[n]o motion or other application pursuant to the Federal Rules of Civil Procedure governing discovery or pursuant to this rule shall be made unless it contains a certification of counsel that the parties, after reasonable effort, are unable to resolve the dispute.” Castillo shall attempt to resolve any discovery disputes by contacting Defendants’ counsel directly by telephone or through correspondence.

9. No direct communication is to take place with the United States District Judge or United States Magistrate Judge with regard to this case. All relevant information and papers are to be directed to the Clerk of Court.

10. In the event a summons is returned unexecuted, it is Castillo’s responsibility to ask the Clerk of Court to issue an alias summons and to provide the Clerk with the Defendant’s correct address, so service can be made.

11. The parties should notify the Clerk’s Office when there is an address change. Failure to do so could result in court orders or other information not being timely delivered, which could affect the parties’ legal rights.

BY THE COURT:

/s/ Joseph F. Leeson, Jr.

JOSEPH F. LEESON, JR.
United States District Judge